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Docket No.: 1691-0218PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hiroyoshi KATO et al.

Application No.: 10/575,756

Confirmation No.: @@@

Filed: April 13, 2006

Art Unit: N/A

For: CEMENT SETTING ACCELERATOR

Examiner: Not Yet Assigned

LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached is a copy of the Notification of Transmittal of copies of Translation of the International Preliminary Examination Report. Please make this of record in the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §1.16 or 1.14; particularly, extension of time fees.

Dated: OCT 3 2006

Respectfully submitted,

By Marc S. Weiner
Marc S. Weiner
Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

OHSHIMA, Masataka
Ohshima Patent Office
Fukuya Bldg.
3, Yotsuya 4-chome
Shinjuku-ku, Tokyo 160-0041
JAPAN

RECEIVED

JUL. 3 1. 2006

OHSHIMA PATENT
OFFICE

Date of mailing (day/month/year)
20 July 2006 (20.07.2006)

IMPORTANT NOTIFICATION

Applicant's or agent's file reference

G93TOKU

International application No.
PCT/JP2004/015539

International filing date (day/month/year)
14 October 2004 (14.10.2004)

Applicant

TOKUYAMA CORPORATION et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

EP, KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Yoshiko Kuwahara

Facsimile No. +41 22 338 82 70

Facsimile No. +41 22 338 82 70

TRANSLATION **PATENT COOPERATION TREATY**
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference G93TOKU	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2004/015539	International filing date (day/month/year) 14.10.2004	Priority date (day/month/year) 16.10.2003
International Patent Classification (IPC) or national classification and IPC C04B22/06, C04B28/02		
Applicant TOKUYAMA CORPORATION		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																	
<p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"><input checked="" type="checkbox"/></td> <td style="width: 85%;">Box No. I Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	Box No. I Basis of the report	<input type="checkbox"/>	Box No. II Priority	<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI Certain documents cited	<input type="checkbox"/>	Box No. VII Certain defects in the international application	<input type="checkbox"/>	Box No. VIII Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII Certain observations on the international application																

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/015539

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

international search (Rule 12.3 and 23.1(b))
 publication of the international application (Rule 12.4)
 international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

the international application as originally filed/furnished
 the description:
 pages _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

the claims:
 nos. _____ as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* _____ received by this Authority on _____
 nos.* _____ received by this Authority on _____

the drawings:
 sheets _____ as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (specify): _____
 any table(s) related to sequence listing (specify): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (specify): _____
 any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-5	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-5	NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Document 1: JP 2003-277111 A (Denki Kagaku Kogyo Kabushiki Kaisha), 02 October 2003, claims; paragraphs [0006], [0007] and [0013]; and table 1

Document 2: JP 2003-246657 A (Denki Kagaku Kogyo Kabushiki Kaisha), 02 September 2003, claims and paragraphs [0007] to [0012]

Document 3: JP 2001-233661 A (Denki Kagaku Kogyo Kabushiki Kaisha), 28 August 2001, claims and paragraphs [0025], [0033] and [0034]

Claims 1 to 5

The inventions set forth in claims 1 to 5 do not involve an inventive step in the light of document 1 cited in the international search report. Document 1 indicates that calcium hydroxide particles are used in the coagulation accelerator, and further indicates that although it is acceptable for said calcium hydroxide particles to have a degree of fineness similar to that of the cement, it is preferable for said calcium hydroxide particles to have an even higher degree of fineness because finer particles will exhibit a superior coagulation accelerating action (paragraph [0006]). Such

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Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

being the case, a person skilled in the art could have configured so that the calcium hydroxide particles that are used as the coagulation accelerator in the invention disclosed in document 1 have an even higher degree of fineness, as appropriate. In addition, document 1 also indicates that it is acceptable for said coagulation accelerator to be mixed with the concrete while in a slurry form (paragraph [0013]). Therein, even if the particle diameters of the calcium hydroxide particles in the inventions set forth in claims 1 to 5 are significantly finer than the particle diameters that are presented as examples in document 1 (which are actually expressed in terms of the degree of fineness), the particle diameters of the calcium hydroxide particles in the inventions set forth in claims 1 to 5 are merely limited in order to improve the coagulation acceleration characteristics thereof. In other words, limiting the particle diameters of the calcium hydroxide particles is not especially significant from a technical standpoint in the light of the technical concept that it is preferable for said calcium hydroxide particles to have an even higher degree of fineness because finer particles will exhibit a superior coagulation accelerating action, which is disclosed in document 1.

As a result, it would have been easy for a person skilled in the art to conceive of configuring the inventions that are set forth in claims 1 to 5 in the light of the disclosures in document 1.

Claims 1 and 3 to 5

The inventions set forth in claims 1 and 3 to 5 do not involve an inventive step in the light of document 2

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International application No.

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Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

cited in the international search report. Document 2 indicates that calcium hydroxide particles are used in the coagulation accelerator, and further indicates that although it is acceptable for said calcium hydroxide particles to have a degree of fineness similar to that of the cement, it is preferable for said calcium hydroxide particles to have an even higher degree of fineness because finer particles will exhibit a superior coagulation accelerating action (paragraph [0009]). Such being the case, a person skilled in the art could have configured so that the calcium hydroxide particles that are used as the coagulation accelerator in the invention disclosed in document 2 have an even higher degree of fineness, as appropriate. In addition, even if the particle diameters of the calcium hydroxide particles in the inventions set forth in claims 1 and 3 to 5 are significantly finer than the particle diameters that are presented as examples in document 2 (which are actually expressed in terms of the degree of fineness), the particle diameters of the calcium hydroxide particles in the inventions set forth in claims 1 and 3 to 5 are merely limited in order to improve the coagulation acceleration characteristics thereof. In other words, limiting the particle diameters of the calcium hydroxide particles is not especially significant from a technical standpoint in the light of the technical concept that it is preferable for said calcium hydroxide particles to have an even higher degree of fineness because finer particles will exhibit a superior coagulation accelerating action, which is disclosed in document 2.

As a result, it would have been easy for a person skilled in the art to conceive of configuring the

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International application No.

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Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

inventions that are set forth in claims 1 and 3 to 5 in the light of the disclosures in document 2.

Claims 1 and 3 to 5

The inventions set forth in claims 1 and 3 to 5 do not involve an inventive step in the light of documents 1 to 3 cited in the international search report.

Document 3 indicates that calcium hydroxide particles are used in the coagulation accelerator. Meanwhile, documents 1 and 2 indicate that it is preferable for the calcium hydroxide particles to have an even higher degree of fineness because finer particles will exhibit a superior coagulation accelerating action. Such being the case, a person skilled in the art could have configured so that the calcium hydroxide particles that are used as the coagulation accelerator in the invention disclosed in document 3 have an even higher degree of fineness, as appropriate.